

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES FRITSCHÉ,

Petitioner,

v.

ROBERT LeGRANDE, et al.,

Respondents.

Case No. 3:15-cv-00425-MMD-WGC

ORDER

Petitioner Charles Fritsche has filed an application to proceed *in forma pauperis* and submitted a petition for a writ of habeas corpus. Subsequently, he paid the filing fee. (See dkt. no. 3.)

Fritsche has also submitted a motion for appointment of counsel. (Dkt. no. 1-2.) There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Here, the claims may be somewhat complex. Additionally, petitioner is also

1 serving consecutive sentences of thirty-five years to life and ten years to life in prison.
2 Therefore, counsel shall be appointed to represent petitioner.

3 It is therefore ordered that petitioner's application to proceed *in forma pauperis*
4 (dkt. no. 1) is denied as moot because he paid the filing fee.

5 It is further ordered that the Clerk detach and file the petition (dkt. no. 1-1).

6 It is further ordered that the Clerk detach and file petitioner's motion for
7 appointment of counsel (dkt. no. 1-2). The motion for appointment of counsel is granted.

8 It is further ordered that the Federal Public Defender for the District of Nevada
9 ("FPD") is appointed to represent petitioner.

10 It is further ordered that the Clerk shall electronically serve the FPD a copy of this
11 order, together with a copy of the petition for writ of habeas corpus. The FPD shall have
12 thirty (30) days from the date of entry of this order to file a notice of appearance or to
13 indicate to the Court its inability to represent petitioner in these proceedings.

14 It is further ordered that the Clerk shall electronically serve a copy of this order,
15 together with a copy of the habeas petition, on respondents. Respondents shall have
16 thirty (30) days from the date of this order to file a notice of appearance.

17 It is further ordered that, after counsel has appeared for petitioner in this case,
18 the Court will issue a scheduling order, which will, among other things, set a deadline
19 for the filing of a first amended petition.

20 DATED THIS 16th day of October 2015.

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23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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